

**MINUTES**  
**SANDY CITY COUNCIL MEETING**  
Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**September 2, 2008**

Meeting was commenced at 7:00 p.m.

**PRESENT:**

**Council Members:** Chairman Scott Cowdell, Vice Chairman Stephen Smith, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Dennis Tenney

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; Deputy City Attorney Kathy Jeffery; Community Development Director Mike Coulam; Planning Director James Sorensen; Senior Planner Brian McCuiston; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Police Chief Stephen Chapman; Parks & Recreation Director Nancy Shay; Assistant Director of Parks & Recreation Scott Earl; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

**ABSENT/EXCUSED:**

Councilman Bryant Anderson [out of town]

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by **Planning Manager James Sorensen**, and the Pledge was led by **Senior Planner Brian McCuiston**.

2. **CITIZEN(S) COMMENTS:**

a. There were no citizen comments.

**PUBLIC HEARING(S):**

3. **Land Development Code**

Public hearing to consider the following: amend and re-adopt Title 15, Land Development Code, Revised Ordinances of Sandy City. It is proposed to re-organize and re-adopt the Sandy City Land Development Code for 2008.

**Discussion:** **Senior Planner Brian McCuiston** reported that the review process for the Land Development Code began back in February, 2005. Staff went through and reviewed the document, and then created a second committee comprising of members from Staff, the Planning Commission, and Councilmen Stephen Smith and Chris McCandless. Each chapter of the code was reviewed word for word. With the reorganization, The Land Development Code went from 15 Chapters to 37 Chapters; with nine different sections added to the code.

**BACKGROUD**

The Sandy City Community Development Department filed a request with the Sandy City Council via the Planning Commission to amend and re-adopt Title 15, Land Development Code, of the Revised Ordinances of Sandy City.

The Sandy City Land Development Code has been used in seven (7) different versions between 1958 to the present. The original code was adopted in 1958 and consisted of an 8 page document. The Code was adopted shortly after the Utah Legislature enacted the Land Use Planning Enabling Act of 1958, similar to what many other states across the country had been doing since 1921. From the original 8 page document, our development code has grown to over 630 pages in the proposed 2008 edition.

The City is constantly reviewing requests for text amendments to the Code. Many are

generated by citizens desiring a change of land use or regulation, but many are also generated by the City to correct errors or to bring the code up to current development practices. Since 2002, we have averaged 12 text amendments per year.

The Code that was adopted in 2002 was a major revision of what the code had been in the past. It was consolidated from 42 chapters in to 15 chapters. The organization was not user friendly as it was hard to find certain sections of the code. The proposed code includes a re-organization and includes 37 chapters. The proposed code has divided all of the regulations into nine (9) different sections. The nine sections of the new code are:

1. Introduction
2. Establish Zoning Districts
3. Land Use Districts
4. Overlay Zones
5. SD Districts
6. Development Standards
7. Applications & Review Procedures
8. Definitions
9. Appendix

## PROPOSAL

It is proposed to re-organize and re-adopt the Sandy City Land Development Code. Staff started reviewing the existing document in 2005. Once that initial review was complete, a second reviewing committee was created that met on a weekly basis to review each chapter word for word. There has been a tremendous amount of time and effort from staff and members of the Planning Commission and City Council to get the development code ready for adoption.

The major changes that have been incorporated into the proposed Code include:

1. **Chapter 11 - Special Use Standards.** Chapter 11 includes a number of uses that have standard conditions attached to them so that staff can approve them administratively (e.g. Model Homes, Half-Pipe Ramps, etc.). This chapter also includes a few new land uses such as guesthouses and street vendors. The Planning Commission will be required for approval of a guesthouse, and may be required for a street vendor if requested by the Community Development Director.
2. **Chapter 13 - Residential Conservation Overlay.** In an effort to encourage water conservation, improve the long term viability of planted street trees, create a safer pedestrian walking environment, and allow greater flexibility in subdivision design and lot layout, the Residential Conservation Overlay Zone was created to promote development and redevelopment in Sandy City neighborhoods. More specifically, the intent of this ordinance is to allow additional front setback flexibility for new residential construction and property owners wanting to remodel.
3. **Chapter 31 - Condominium Conversion Review.** This chapter was revised so that not all condominium plats have to be reviewed by the Planning Commission, (e.g. amending the interior of an existing building).
4. **Chapter 35 - Appeals and Variances.** This Chapter compiled all of the different sections of appeals and variances and put them in one chapter. The same process was done for **Public Hearings, Public Meetings, & Notification**

## **(Chapter 36).**

In other chapters, the use of tables has been increased to improve the readability of the Code. Additional graphics were added where appropriate, and the formatting of each chapter has been updated. The table of contents for each chapter has been outlined to make it easier to find certain regulations.

There are a few changes that staff will be working on in the near future that were not completed as part of this process. These include a re-write of the following sections: Temporary Use Ordinance, Multi-family developments, the RM Zone, Solar Equipment - Wind Conversion - and Wireless Telecommunication Facility regulations.

### **STAFF RECOMMENDATION**

The Community Development Department along with the Planning Commission forwarded a positive recommendation to the City Council to adopt the proposed amended and re-organization of Title 15, Land Development Code, Revised Ordinances of Sandy City, as attached.

### **The Public Hearing was opened.**

**Deanna Knight**, 8654 Snow Mountain Drive, respectfully requested that the City Council reconsider size restrictions for guest homes. She stated and claimed that size restrictions on guest homes were determined by Staff without the consideration of the Planning Commission. Staff determined that a 400 square foot maximum size for a guest home was appropriate, which in her opinion, was no larger than a two car garage. They live in an area where there are large parcels of land. She claimed that taxes have doubled for property parcels that are over an acre in size. She claimed that she has virtually lost her primary residence tax exemption. She felt it would be advantageous to base the size of guest homes on lot size. She proposed and recommended the following sizes for guest homes:

- 800 square feet for 20,000 square foot lot.
  - 1100 square feet for 40,000 square foot lot
  - 1500 square feet [maximum limit] for lots 60,000 square feet or larger.
- She felt that guest homes would not look out of place if they are based on the property size.

### **Chairman Cowdell closed the Public Hearing.**

### **Council Discussion**

**Steve Fairbanks** questioned whether it would be prudent to list guest homes under accessory apartments since the purpose behind the guest home is to provide a place for a family member to stay on a short term basis.

**Mike Coulam** noted that accessory apartments are generally a part of the main structure. A guest home is a separate unit outside of the main dwelling. St. George has a ordinance where they allow smaller mother-in-law units that are attached at the roof line of the main dwelling. He felt that it might be worthwhile to look into Ms. Knight's concern, and then compare with other communities' ordinances to determine what works best for our City.

**Steve Fairbanks** suggested that the Land Development Code be approved tonight, then revisit the size of guest homes at a later time.

**Dennis Tenney** asked Mr. Coulam if he agreed with Ms. Knight's recommendations based on lot size for the square footage of a guest home.

**Mike Coulam** stated that any time a parcel of property is developed; it will have some type of an impact on the area, whether it is a horse barn or an accessory structure. What sounds good to one property owner might become a frustration to an adjoining property owner. There needs to be further analysis on the City's part to determine the type of experiences other communities have had regarding guest homes.

**Dennis Tenney** stated that he appreciates Staff's willingness to discuss further concepts in order to determine if there is a reasonable way to address Ms. Knight's concerns. Otherwise, he stated that Staff has done a "stellar job" in reorganizing the Land Development Code.

**Stephen Smith** thanked Staff for the "great" experience that he had serving on the committee. He stated that his questions and concerns were addressed during the editing process on the committee.

**Linda Martinez Saville** asked Mike Coulam and Staff to research guest home sizes further. She stated that she would not want to hear of complaints from neighbors if guest homes are too large for an area.

**Chris McCandless** stated that the original intent of a guest home was to help take care of one or both parents, and that it is not intended to be an apartment. His main concern is, if people with larger lots are allowed to build a second home on their property, it may become a rental home whether it is legal or not. This then escalates into a serious enforcement issue. He is nervous with the proposal to increase the size of guest homes, and he would speak out against it. He believes "it is better to have a small place for mom to stay in her later days". He appreciated the opportunity to serve on the committee to reorganize The Land Development Code, although it was a long and arduous task, it was a great learning experience; however, he would not want to do it "ever again".

**Scott Cowdell** commented that he would like to see The Land Development Code passed this evening. He also stated that he would like to address, later, some of his concerns regarding uses in the various zones; ie: Why rest homes, retirement homes, and smaller medical/emergency facilities are excluded from certain zones, and how descriptions were determined for Home Accessory Buildings. He stated that guest home sizes were also a concern to him, especially since kitchens and/or basements would not be allowed. He could support 800 square feet guest homes. The Land Development Code is a living document that will always go through changes and revisions.

**Mike Coulam** reported that medical and institutional care facilities were reviewed by a special committee several years ago. A lot of time and effort was put into this section of the code to determine the most appropriate allowable uses of these facilities in the community.

**Scott Cowdell** stated that he would prefer living next to a small medical facility compared to some of the other uses. Mr. Cowdell also expressed appreciation for the time and efforts of Staff, Planning Commission, and Councilmembers Stephen Smith and Chris McCandless in reorganizing the Land Development Code.

**Mike Coulam** stated that Staff would be willing to sit down and talk with Mr. Cowdell regarding his questions.

**Motion:** **Stephen Smith** made the motion to have documents brought back to re-adopt the Sandy City Land Development Code for 2008, with the understanding that the Planning Department research Ms. Knight's concerns regarding guest home sizes.

**Second:** **Chris McCandless**

**Vote:** Smith – Yes, McCandless – Yes, Anderson- Absent, Tenney-Yes, Fairbanks- Yes, Saville- Yes, Cowdell- Yes

**Motion Approved: 6 in favor – 1 absent**

**Mr. Cowdell** commented that to only have one citizen concern raised from a document the size of The Land Development Code was an amazing testimony of the great job that was accomplished.

4. **Healing Field 7:08:36 PM**

A Public Hearing to consider the City's contribution to a patriotic flag display and economic benefits which the City might derive from the exhibition.

**Discussion: Assistant Parks & Recreation Director Scott Earl** reported that this year marks the eighth year that the healing field will be displayed in the promenade south of City Hall. The Healing Field display will run from September 10<sup>th</sup> through September 15<sup>th</sup>. Staff costs include Parks and Recreation Staff, Police Staff, Transportation Staff, and some staff from the Administration, totaling \$480.00. Rental costs for the promenade are \$102.00 a day, for five days, bringing the total to \$510.00. The Colonial Flag Foundation will pay the \$510.00 in rental costs for the promenade. The total cost of the event will be \$990.00. [Ref: Exhibit "A"]

Mr. Earl invited Paul Swenson, from Colonial Flag, and Foundation member Lori Oakeson for a briefing on the event.

**Paul Swenson**, 1769 Oak Manor Drive, expressed appreciation for the support of the City. Eight years ago, he proposed this idea to the Sandy Rotary Club. Several sites were proposed such as Alta Canyon, and The Salt Lake Community College. As he was driving back from the meeting, he drove by the promenade and knew that would be the perfect location for this event. He immediately came to see the Mayor. The Mayor went out on a limb and said "yes", not knowing what the ramifications would be. This has become a very successful event, with some 215 other displays now around the Country. He reported that they have been invited by the families of the Pentagon 9-11 Memorial Fund, to display 3,000 flags in the parking lot at the crash site of the Pentagon.

This year there will be a small booth at Sandy's event called "milestones of freedom", where children can learn the process of becoming a citizen of the United States. The Marines will be present along with a group called "Operation Give" which prepares packages to send to servicemen, and a place where citizens may write a letter to the servicemen serving in Afghanistan and Iraq. They will honor those from Utah who have fallen in the war against terrorism. There are now over 7,500 9-11 victims and soldiers who have died in Iraq and Afghanistan. With limited space, our organizers have decided that they will have an area to honor the Utah fallen along with the victims from Utah involved in 9-11. This year the flags will be reduced from 3,000 to 1776.

President Bush designated September 11<sup>th</sup> as Patriot's Day to honor first responders; Police , Firemen, Military, and all those who serve the cause of patriotism and freedom.

**Scott Cowdell** expressed appreciation for the efforts that go into the Healing Field.

**Chairman Cowdell opened then closed the Public Hearing as there were no comments.**

**Motion:** Dennis Tenney made the motion to authorize expenditure in the amount of \$480.00 for in kind costs from the City to help establish this year's Healing Field.

**Second:** Chris McCandless

**Vote:** Tenney-Yes, McCandless-Yes, Fairbanks-Yes, Smith – Yes, Anderson- Absent,

Saville- Yes, Cowdell- Yes  
Motion Approved: 6 in favor, 1 absent

**COUNCIL ITEMS(S):**

5. **Resolution of Intent- Boundary Adjustment**

**Resolution #08-55 C** – declaring the intent of Sandy City to adjust its common boundary with Draper City at approximately 2751 East 11851 South, establishing a date for a Public Hearing and instructing the City Recorder to publish notice thereof. [7:31:50 PM](#)

**Motion:** Chris McCandless made the motion to adopt **Resolution #08-55 C** – declaring the intent of Sandy City to adjust its common boundary with Draper City at approximately 2751 East 11851 South, establishing a date for a Public Hearing and instructing the City Recorder to publish notice thereof.

**Second:** Dennis Tenney

**Vote:** McCandless- Yes, Tenney- Yes, Anderson - Absent, Saville- Yes, Smith-Yes, Fairbanks-Yes, Cowdell – Yes

Motion Approved: 6 in favor- 1 absent

6. **Isabella Estates Annexation**

**Resolution #08-54 C** – annexing property into the Alta Canyon Recreation Special Service District.

**Motion:** Stephen Smith made the motion to adopt **Resolution #08-54 C** – annexing property into the Alta Canyon Recreation Special Service District.

**Second:** Chris McCandless

**Vote:** Smith- Yes, McCandless- Yes, Anderson - Absent, Saville- Yes, Tenney- Yes, Fairbanks- Yes, Cowdell – Yes

Motion Approved: 6 in favor- 1 absent

7. **Creating the New Central Business District Arts and Culture Zone [pg.25-50]**

**Ordinance #08-26** – regulating the CBD Zones by creating the New Central Business District Arts and Culture Zone; specifically amending Section 15-23-30 "General Commercial and Industrial Development Standards", Section 15-23-21 "Standards Applicable to General Commercial Zone Classifications"; and Section 15-08-02" Permitted Land Use Matrix by Commercial, Office, Hospital, Institutional Care or Industrial Zones", modifying regulations regarding Land Coverage, Uses, Architectural Design and Material, Landscaping, Parking Areas, Building Setbacks, and Building Heights for Developments within the CBD, CBD-O and CBD-P and adopting regulations for the CBD-A&C Zoning District.

**Motion:** Chris McCandless made the motion to adopt Ordinance #08-26, regulating the CBD Zones by creating the New Central Business District Arts and Culture Zone; specifically amending Section 15-23-30 "General Commercial and Industrial Development Standards", Section 15-23-21 "Standards Applicable to General Commercial Zone Classifications"; and Section 15-08-02" Permitted Land Use Matrix by Commercial, Office, Hospital, Institutional Care or Industrial Zones", modifying regulations regarding Land Coverage, Uses, Architectural Design and Material, Landscaping, Parking Areas, Building Setbacks, and Building Heights for Developments within the CBD, CBD-O and CBD-P and adopting regulations for the CBD-A&C Zoning District.

**Second:** Dennis Tenney

**Vote:** McCandless- Yes, Tenney- Yes, Anderson - Absent, Fairbanks- Yes, Saville- Yes, Smith – No, Cowdell – Yes

Motion Approved: 5 in favor- 1 opposed- 1 absent

8. **Table of Minimum Setbacks in CBD Zoning District [pg.51-54]**

**Ordinance #08-25** – amending Title 15 of the revised ordinances of Sandy City (The Land Development Code) by amending Section 15-04-02 (B), "Table of Minimum Setbacks in CBD Zoning District.

**Motion:** Chris McCandless made the motion to adopt **Ordinance #08-25**, amending Title 15 of the revised ordinances of Sandy City [The Land Development Code] by amending Section 15-04-02 (B), "Table of Minimum Setbacks in CBD Zoning District.

**Second:** Dennis Tenney

**Vote:** McCandless- Yes, Tenney- Yes, Anderson - Absent, Saville- Yes, Smith -Yes, Fairbanks- Yes, Cowdell – Yes

**Motion Approved: 6 in favor- 1 absent**

9. **Proscenium Rezoning**

**Ordinance #08-27** – rezoning approximately 12 acres of property located at approximately 10110 South Centennial Parkway, from the CBD-O "Central Business District-Office SubDistrict" and CBD-P "Central Business District-Parkway SubDistrict" Zoning District to the CBD-A&C "Central Business District-Arts & Culture SubDistrict" Zoning District.

**Motion:** Dennis Tenney made the motion to adopt **Ordinance #08-27**, rezoning approximately 12 acres of property located at approximately 10110 South Centennial Parkway, from the CBD-O "Central Business District-Office SubDistrict" and CBD-P "Central Business District-Parkway SubDistrict" Zoning District to the CBD-A&C "Central Business District-Arts & Culture SubDistrict" Zoning District.

**Second:** Chris McCandless

**Vote:** Tenney- Yes, McCandless- Yes, Anderson - Absent, Fairbanks- Yes, Smith – No, Saville- No, Cowdell – Yes

**Motion Approved: 4 in favor- 2 opposed -1 absent**

10. **MAYOR'S REPORT**

a. Held in Planning Meeting.

11. **CAO'S REPORT**

a. Held in Planning Meeting.

12. **COUNCIL OFFICE DIRECTOR'S REPORT**

a. Held in Planning Meeting.

13. **OTHER COUNCIL BUSINESS**

a. Chris McCandless asked the Administration to find out if certain property owners have lost residential exemption status for owning parcels of land over an acre in size. He has not heard of this and questions its accuracy. If this is found to be the case, he suggested taking legislative action this year to see if changes could be made.

He recommended inviting Scout Troops to volunteer for projects such as the Healing Field to help them earn their Citizenship in the Community Merit badge.

He also expressed excitement regarding the 10 acre purchase of property to complete Sandy's portion of the Bonneville Shoreline Trail system.

He indicated that he would like to hold a discussion with the Planning Department regarding the TOD overlay zone and properties that are contiguous within certain walking distances and times of stations; to encourage more transit oriented developments with some form of an incentive program.

**Mike Coulam** indicated that the City already has a TOD Zone that is implied and geared towards transit stations.

Chris asked for a copy of that zone.

b. **Linda Martinez Saville** presented a copy of a newspaper article to the Council regarding skate parks, and how the article compliments Sandy City for being such an “awesome” City.

**At approximately 7:40 p.m., Steve Fairbanks made a motion to adjourn Council Meeting, motion seconded by Chris McCandless.**

**The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.**

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**Scott Cowdell**  
**Council Chairman**

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**Pam Lehman**  
**Council Office Manager**

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